

1860-003 Chancery Causes: Chadwell Brittain vs. Peter H. Rowland
Lee Co.

CA - Contract Dispute
T - Property

To the Worshipful County Court of Lee County in Chancery sitting, the bill of complaint of Chadwell Brittain, of said County, respectfully shews:

That about the 16th day of January 1845, he purchased from Peter H. Rowland, of the said County, a small parcel of land, supposed to contain about eight acres, for the price of one hundred dollars. The said land is situated on the Poor Valley ridge in said County, adjoining the lands then belonging to your orator, & also those of the said Rowland. On the day aforesaid the said Rowland executed to your orator his bond for the conveyance to him of ~~the~~ ^{thereby} a good and lawful title thereto within two years from said day, which bond is filed herewith as part of this bill marked (A.). Your orator was put in possession of said parcel of land by said Rowland very soon after his said purchase thereof, and has ever since, been, and still is, in possession thereof under the said contract of purchase, & has never been disturbed in such possession; he has also long ago paid to the said Rowland all of the purchase money contracted to be paid therefor. But the said Rowland has not yet made to him a conveyance of the legal title to the said land such as the said bond binds him to make, or any conveyance of any sort, but instead of performing the condition of his said bond in that particular, he has refused, and still refuses, to make such conveyance. As the boundary was not described in the said bond with the particularity necessary to be set forth in a deed, a survey was made of the said land with the full knowledge of said Rowland, & at your orator's instance, by Claiborne Anderson formerly the County Surveyor, & the courses & descriptions of the lines & corners were committed to writing by him

which writing is also filed as part of this bill marked (B.). This was done with the full knowledge & assent of said Rowland, for the purpose of having a proper deed of conveyance prepared & made according to said survey — but the said Rowland has ever since failed & refused to make such deed.

The prayer of your orator therefore is, that the said Peter H. Rowland be made a party defendant to this bill, & be required to answer its several allegations truly on oath; that upon the final hearing of the cause, your worships will by your decree compel the said Rowland to make such conveyance as his said bond describes to your orator for said land, with the relinquishment of his wife Nancy Rowland of her right of dower therein, and duly acknowledged for record; and that your worships will extend to him such other and general relief as may be consistent with equity and his case may require. May it please your worships to grant the Cometh's writ of Habeas, directed &c.

Johnston, for
Cometh,

Chadwell Mithair

5. } Bill - chg.

Peter H. Rowland

Exhibits filed.

1860 Jan. Bill filed.
 " Feb. Done in Se.
 " March Continued
 " April Continued
 " May Continued
 " June Continued
 " July Continued
 " Aug & Sept. Continued
 " October Continued
 " Nov. Continued
 " Dec. Dismissed by Com. Pitt,

C 2.93
 a 5.00
 3.50
 T 1.00
 J 9.43

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Peter H. Poland

to appear before the Justices of our County Court for Lee County, at the Court House,

on the 1st Monday in January 1860

to answer

a bill in Chancery exhibited in our said Court against *him* by *Chadwell Brittain*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this

17th day of *December* 185*9*, in the *84th* year of the Commonwealth.

H. J. Morgan Cl

Chadwell Brittain

60 $\frac{3}{4}$ Spa in Chij

Peter H. Rowland

Jan. Rules 1860

Decr. 27th 1859

Executed

Thos. J. Brown D.S.